

## **CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1933

**DATE:** September 18, 2001

**PROPOSAL** Cricket Wireless is proposing a 96' tall tower capable of accommodating two carriers. An existing wood shed will be replaced with a block and stucco building to house the ground-based equipment cabinets.

**LAND AREA:** Approximately 27.9 acres.

**CONCLUSION:** This request represents the most compatible siting for the proposed tower in order to provide the needed coverage in this area. It complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lot 179 I.T., located in the northeast quarter of Section 5, T9N, R7E, of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**LOCATION:** Northwest of 56<sup>th</sup> and Calvert Streets

**OWNER:** Union College

**APPLICANT:** Cricket Nebraska Property Company  
6655 South Lewis Avenue, Suite 200  
Tulsa, OK 74136

**CONTACT:** Harvey Cooper  
Abraham Kaslow, and Cassman  
8712 West Dodge Road Suite 300  
Omaha, NE 68114

**EXISTING ZONING:** R2, Residential District

**EXISTING LAND USE:** Outdoor Recreation Facility, Elementary School

### **SURROUNDING LAND USE AND ZONING:**

North	Single-family Residential	R2
South	Single-family Residential	R2
East	Single-family Residential	R2
West	Single-family Residential	R2

**HISTORY:** SP #1469 - Approved August 19, 1993, this permit authorized renovation of the Union College recreation field located northwest of 56<sup>th</sup> and Calvert Streets. The improvements include new bathrooms and a concession stand, reconfiguration of the ballfields and associated facilities, and the installation of new lights.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates public and semi-public land use for this 27.9 acre tract, surrounded by urban residential. The following goals/strategies from the Comprehensive Plan are applicable:

1. Chapter III (A) pg. 37 - Goal #1 - Maximize opportunities for planned urban development which are sensitive to the natural qualities of the area, including land uses efficiently served by a balanced and energy efficient transportation system and community services and facilities.
2. Chapter V (H) pg. 149 - Goal #1 - Continue to assure that Lincoln and Lancaster County are fully served by development of the "Information Superhighway".

## **ANALYSIS**

### **OVERVIEW:**

This request proposes a 96' tall monopole with flush-mounted antennas that is designed to accommodate a second carrier. An existing wooden building will be replaced with a block and stucco structure to house the ground-based equipment cabinets associated with the tower, so they will be totally screened from view. Per design standards, additional trees will be planted to help buffer the facility.

Because this is considered a sensitive location, the applicant is required to demonstrate that all preferred or limited preference locations are not feasible. Documentation of the infeasibility of these potential sites within the identified search ring has been provided. This includes rooftop mount applications on the Union College campus, and collocating on the existing ball field lights.

### **STANDARDS FOR EVALUATION:**

#### **Conformity with Comprehensive Plan.**

1. While no goals specifically address communications towers, this proposal is consistent with goals that seek to preserve neighborhood character and encourage businesses that serve neighborhood residents, while minimizing intrusion as much as possible. The proposed location provides adequate separation from surrounding residential uses, and the height of the tower is at a scale that is compatible with the existing ball field lights.

#### **Preference of site location in accordance with Chapter 27.68.080.**

2. This application is considered a sensitive location under Lincoln Municipal Code (LMC) Section 27.68.080(a)(2) - a site located in an area with predominantly residential uses. As a result, the applicant is required to show what good faith measures were taken to locate on a preferred or limited preference location, and to demonstrate why it was not feasible.

**Compatibility with abutting property and land uses.**

3. This application is located within a 28 acre tract that contains both the Union College ball fields and Helen Hyatt Elementary School. The tower is centrally located on the site, and is 335' from the residences to the south, 274 from the residences to the north, and 635' from the residences to the east.

**Adverse impacts such as visual, environmental or noise impacts.**

4. The application minimizes visual impact by utilizing a compact antenna array and a galvanized pole that is consistent in color with the other poles on the site, and by placing the equipment cabinets inside a building where they are not visible. Visual impact is further mitigated by the physical separation of uses due to the size of the tract of land where the tower is to be located.

**Availability of suitable existing structures for antenna mounting.**

5. Locating the antennas either on the roof of one of the campus buildings or on one of the existing ball field lights would be a preferred solution to providing coverage in this area. However, the applicant states that the property owner was not willing to lease those facilities. All other preferred or limited-preference sites were reviewed and determined to be infeasible.

**Scale of facility in relation to surrounding land uses.**

6. The proposed tower is compatible with the scale of the existing light poles on this site, as well as the buildings found on the Union College campus.

**Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.**

7. There is no negative impact on views, vistas, or historic structures/districts.

**Color and finish.**

8. The tower will have a galvanized finish consistent with LMC 27.68.100.

**Ability to collocate.**

9. The tower is designed to be collocatable and can accommodate a second carrier.

**Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.**

10. There are existing trees on this area that provide partial screening when viewing this site from the north. Additional trees will be planted according to design standards to further screen the facility. However, the landscape plan should be revised to show the trees planted in a two-row, staggered formation to maximize the screening effect. Ground-based equipment will be placed inside a building and will not be visible.

**Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.**

The applicant provided documentation that the following potential sites were infeasible: street light pole replacement in the right-of-way; rooftop mount at 5602 Pioneer; power pole replacement at 5550 Linden Street; camouflage light pole replacement at 4207 S. 58<sup>th</sup> Street; rooftop mount at 4207 S. 58<sup>th</sup> Street; camouflage flag pole at 4000 S. 56<sup>th</sup> Street; rooftop mount on the Union College campus; light pole replacement at the ball field; collocation on Qwest's 55' tall tower located on the Union College campus.

**CONDITIONS**

1. Site Specific:

1.1 This approval authorizes a 96' tower and accessory building replacement to house ground-based equipment cabinets consistent with the site plan submitted for a period of 15 years.

2. General:

2.1 Prior to issuance of building permits:

2.1.1 A structural design analysis prepared by a licensed Nebraska engineer must be approved by the City showing structural integrity sufficient for two carriers.

2.1.2 The surety in an amount sufficient to guarantee removal of the applicant's facilities must be approved by the City Attorney.

2.1.3 The site plan must be revised to show adequate ground space that can be leased to accommodate the second carrier's ground-based equipment cabinets or shelter.

2.1.4 The landscape plan must be revised to show the trees planted in a two-row, staggered formation to maximize the screening effect.

3. Standard:

3.1 The following conditions are applicable to all requests:

3.1.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.

3.1.2 The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.

3.1.3 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

3.1.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.1.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.1.6 The permittee shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090, in connection with the issuance and review of this permit.

3.1.7 As a part of this approval, the permittee agrees that the permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgements for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.

3.1.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

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Brian Will  
Planner

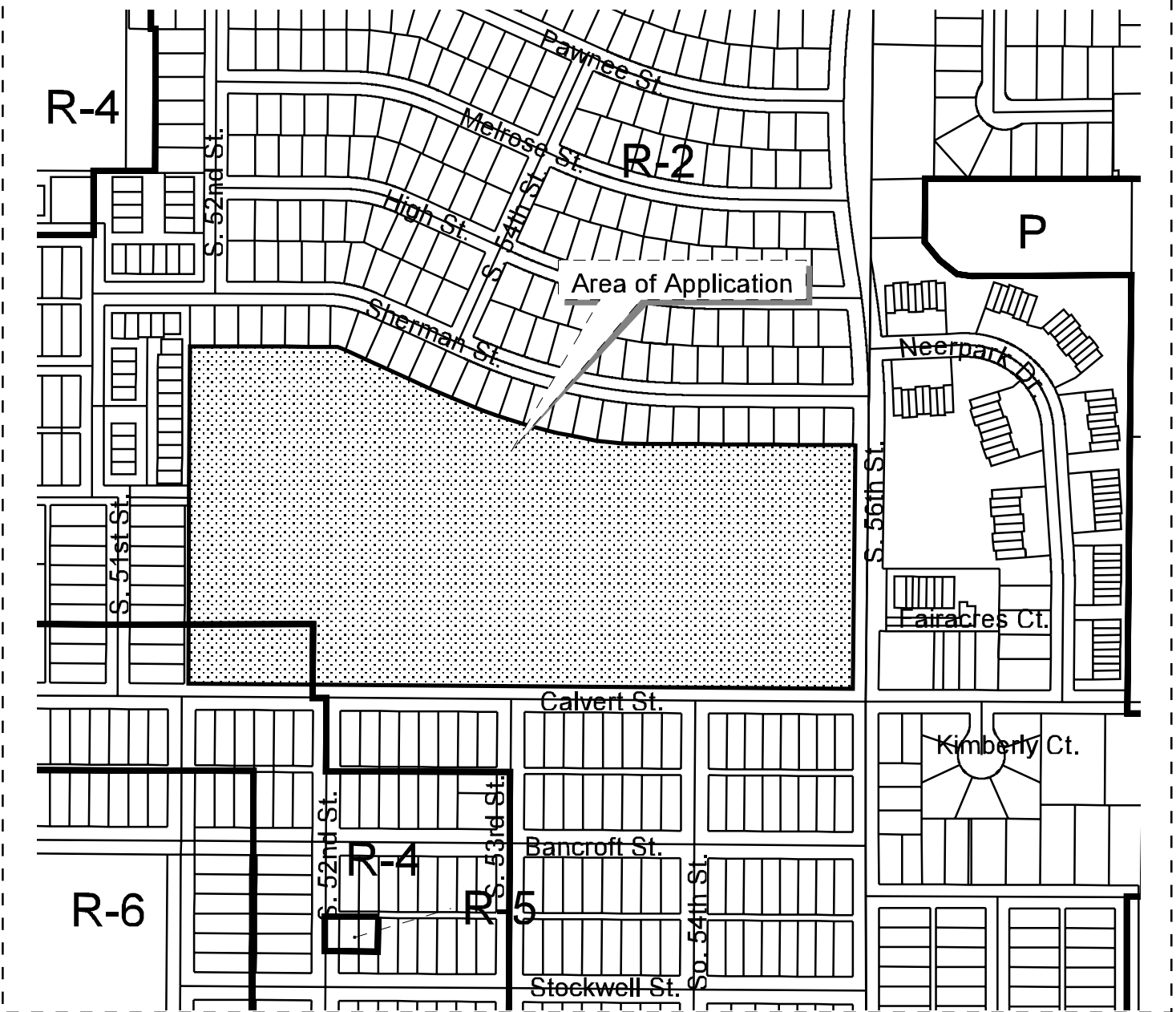


**Special Permit #1933**  
**5200 Calvert St.**



Photograph Date: 1997

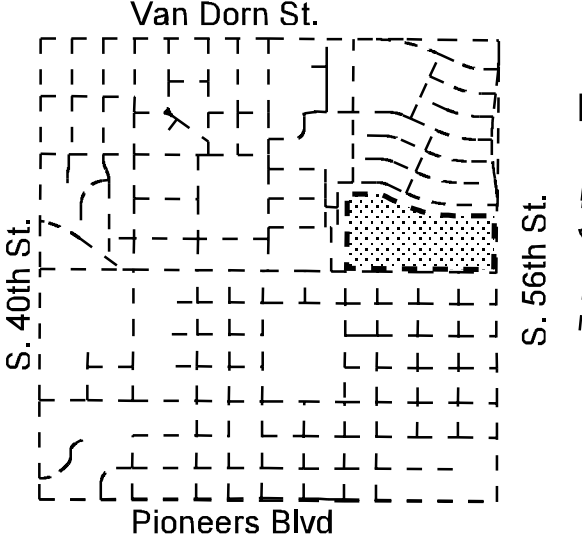
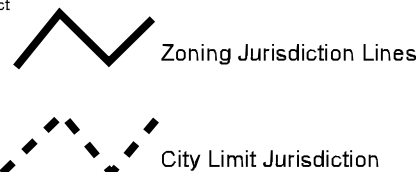
Lincoln City - Lancaster County Planning Dept.

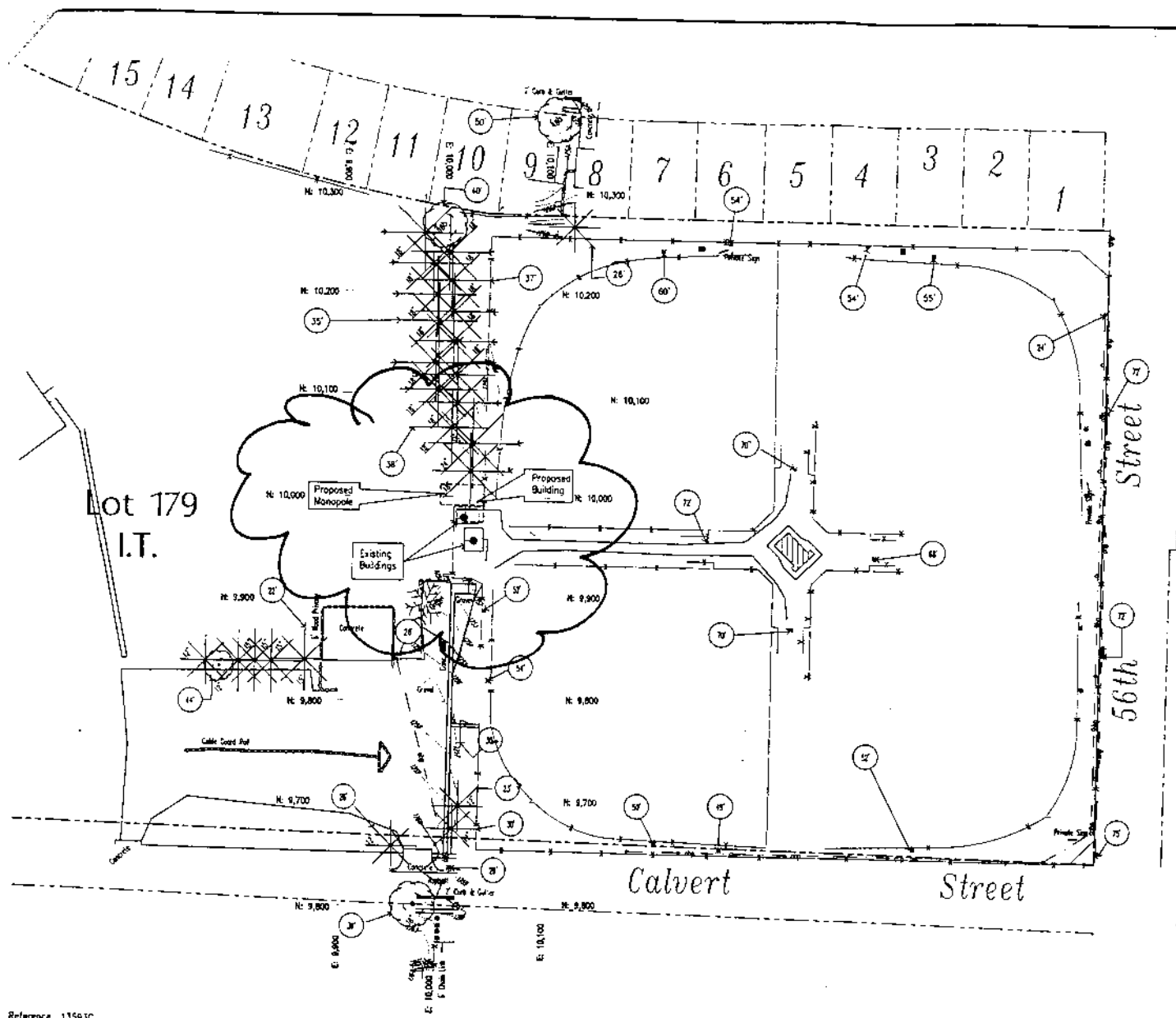


# **Special Permit #1933** **5200 Calvert St.**

- Zoning:**
- R-1 to R-8 Residential District
  - AG Agricultural District
  - AGR Agricultural Residential District
  - R-C Residential Conservation District
  - O-1 Office District
  - O-2 Suburban Office District
  - O-3 Office Park District
  - R-T Residential Transition District
  - B-1 Local Business District
  - B-2 Planned Neighborhood Business District
  - B-3 Commercial District
  - B-4 Lincoln Center Business District
  - B-5 Planned Regional Business District
  - H-1 Interstate Commercial District
  - H-2 Highway Business District
  - H-3 Highway Commercial District
  - H-4 General Commercial District
  - I-1 Industrial District
  - I-2 Industrial Park District
  - I-3 Employment Center District
  - P Public Use District

One Square Mile  
 Sec. 5 T9N R7E





# LEGEND

- 45' HEIGHT OF OBJECT
- A/C
- STREET LIGHT
- OVERHEAD LIGHT
- POWER POLE
- 17' DECIDUOUS TREE AND SIZE
- 12' CONIFEROUS TREE AND SIZE
- BUSH
- INFORMATION SIGN
- FLAG POLE
- OVERHEAD POWER
- PROPERTY LINE
- BUILDING
- CHAIN LINK FENCE
- WOOD PRIVACY FENCE
- CABLE GUARD RAIL

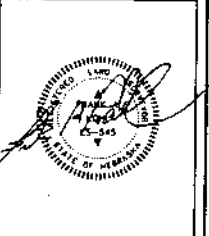
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100% DEDICATED WIRELESS  
DRAWING NO. 00104

Lucent Technologies  
Bell Labs

**LAMP RYNEARSON & ASSOCIATES INC.**

DRAWN BY: JMB  
CHECKED BY: RDG

SUBMITTALS		
DATE	DESCRIPTION	REV
09/04/01	CONSTRUCTION REVISION	0



PROJECT NO.  
LIN-022G

SITE NAME  
UNION COLLEGE

SHEET TITLE  
SITE SURVEY

SHEET NUMBER  
C-1C

REVISION  
0

JOB NO.  
01035 93



LIN-022G, 56th and Pioneers  
5600 Calvert Street, Lincoln, NE 68516



View from residential area east of site - 56th Street and Calvert (after improvements)

LIN-022G, 56th and Pioneers  
5600 Calvert Street, Lincoln, NE 68516



View from residential area south of site - 5343 Calvert Street (after improvements)

LIN-022G, 56th and Pioneers  
5600 Calvert Street, Lincoln, NE 68516



View from west of site (after improvements)

LIN-022G, 56th and Pioneers  
5600 Calvert Street, Lincoln, NE 68516



View from residential area north of site - 5451 Sherman Street (after improvements)